

## Message Text

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ACTION IO-13

INFO OCT-01 AF-08 ISO-00 IOE-00 SSO-00 NSCE-00 USIE-00

INRE-00 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 DHA-02 ORM-02

ARA-06 EA-07 EUR-12 NEA-10 OIC-02 AID-05 EB-07 OMB-01

TRSE-00 /116 W

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O R 301347Z AUG 76

FM USMISSION GENEVA

TO SECSTATE WASHDC IMMEDIATE 2127

INFO USMISSION USUN NEW YORK

AMEMBASSY MONROVIA

C O N F I D E N T I A L SECTION 1 OF 3 GENEVA 6890

E.O. 11652: GDS

TAGS: SHUM

SUBJ: 29TH SESSION SUB-COMMISSION ON PREVENTION OF DIS-  
CRIMINATION AND PROTECTION OF MINORITIES 12 AUG-  
1 SEPT. - AGENDA ITEM 9

1. ON AUGUST 26 DURING MORNING SESSION OF SUB-COMMISSION  
(SC) RUMOR CIRCULATED THAT SMIRNOV (USSR) WOULD TABLE TWO  
RESES IN THE AFTERNOON. ALLEGEDLY ONE OF THE RESES WOULD  
ALTER ECOSOC 1503. (CHAIRMAN MARTINEZ COBO CONFIRMED  
RUMOR DURING A LUNCHEON.)

2. UPON OPENING OF AFTERNOON SESSION AMBASSADOR CARTER  
RAISED ISSUE SAYING HE HAD LEARNED THAT "THERE WILL BE A  
PRIVATE SESSION THIS AFTERNOON TO CONSIDER RESES ON ITEM  
9." WHEN MARTINEZ COBO VERIFIED PROCEDURE WOULD TAKE  
PLACE, CARTER OBJECTED EXPLAINING THAT HE HAD JUST RE-  
CEIVED THE DOCUMENTS AND WOULD HAVE NO TIME TO STUDY THEM  
IF THEY WERE CONSIDERED THAT AFTERNOON. HE ALSO RE-  
MINDED THE CHAIRMAN THAT ON WEDNESDAY HE (THE CAHIRMAN)  
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HAD ROMISED THE SC THAT ALL RESES WOULD BE CONSIDERED

MONDAY, AUGUST 30. CARTER REQUESTED THAT MARTINEZ COBO ADHERE TO THE ORIGINAL SCHEDULE.

3. NETTEL (AUSTRIA), A VICE CHAIRMAN, SUPPORTED CARTER AND ADDED THAT DURING BUREAU MEETING IT WAS HE WHO HAD PROPOSED MONDAY AS DAY FOR CONSIDERATION OF RESES. THE PROPOSAL HAD BEEN ACCEPTED. HE FURTHER NOTED THAT THE TWO RESES WERE RESTRICTED AND IT WAS HIS OPINION THAT ONLY ONE WARRANTED A PRIVATE MEETING.

4. SMIRNOV CONFIRMED BUREAU HAD AGREED TO CONSIDER RESES AUGUST 30 BUT POINTED OUT THAT NETTEL HAD NOT QUALIFIED HIS RECOMMENDATION BY SAYING ALL RESES SHOULD BE CONSIDERED THAT DATE. ALTHOUGH HE UNDERSTOOD CARTER/NETTEL QUESTIONS, SMIRNOV SAID HE SAW NO REASON FOR DELAYING CONSIDERATION OF RESES UNTIL MONDAY, PARTICULARLY SINCE GANJI (IRAN), A CO-SPONSOR, WOULD BE LEAVING FRIDAY AND THUS NOT AVAILABLE FOR THE MONDAY SESSION.

5. MARTINEZ COBO SAID DISCUSSING ISSUE WAS UNNECESSARY SINCE THE AGENDA ITEM BEFORE THE SC MIGHT NOT BE CONCLUDED BEFORE 6:00 P.M. CARTER RESPONDED THAT IT WAS ACADEMIC TO DISCUSS TIME LENGTH OF CURRENT DEBATE AND ADDED THAT ORIGINAL DATE SHOULD NOT BE ALTERED SINCE ALL MEMBERS HAD ACCEPTED PROPOSAL. CARTER ALSO SUPPORTED NETTEL'S OPINION THAT ONLY RES PROPOSING ELEVATION OF SELECTED COMMUNICATIONS SHOULD BE CONSIDERED IN PRIVATE MEETING.

6. GANJI REQUESTED IMMEDIATE DISCUSSION OF RESES, ADDING GRATUITOUS COMMENT THAT HE DID NOT NEED INSTRUCTIONS FROM HIS CAPITAL. QUESTIAUX OBJECTED SAYING SHE NEEDED TIME TO PREPARE HER INTERVENTION ON ITEM.

7. MARTINEZ COBO REFUSED TO HEAD FURTHER DISCUSSION OF ISSUE AND DEBATES ON ITEMS 7 AND 6 WERE CONSIDERED AS SCHEDULED. AT END OF MEETING SMIRNOV REQUESTED RULING ON DEBATE OF RESES. PERZADA, WHO HAD TAKEN OVER CHAIR FROM MARTINEZ COBO, REFUSED, EXPLAINING THAT AS CO-SPONSOR OF RESES IT WOULD BE INAPPROPRIATE FOR HIM TO RULE ON THE ISSUE.

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8. FRIDAY MORNING (AUG. 27) SMIRNOV OPENED SESSION BY ASKING FOR DECISION. MARTINEZ COBO CALLED FOR VOTE ANGRILY STATING HE WAS FED UP WITH DISCUSSION. ON FIRST VOTE SECT MIS-COUNTED WHICH OUTRAGED CHAIRMAN. SECOND VOTE WAS A TIE AND THEREFORE LOST: 8 - 8 (US) - 1. RESES WILL BE FIRST ITEM CONSIDERED MONDAY MORNING, AUG. 30.

9. THOSE IN FAVOR OF IMMEDIATE DISCUSSION OF RESES:  
USSR, IRAN, ROMANIA, GHANA, KENYA, IRAQ, PAKISTAN, YUGO-  
SLAVIA. THOSE AGAINST: US, UK, FRANCE, AUSTRIA,  
NETHERLANDS, ITALY, MEXICO, COLOMBIA. ABSTAINING:  
ECUADOR.

10. SINGH (INDIA), WHO WOULD HAVE VOTED FOR IMMEDIATE  
CONSIDERATION OF RESES, ARRIVED SEVERAL MINUTES AFTER VOTE  
HAD BEEN TAKEN. FOR HIS TARDINESS HE RECEIVED A VITROLIC  
TONGUE LASHING FROM BOTH SMIRNOV AND GANJI.

11. FOLLOWING ARE TEXTS OF TWO RESES:

QUOTE:

COMMUNICATIONS CONCERNING HUMAN RIGHTS: REPORTS OF THE  
WORKING GROUP ESTABLISHED UNDER SUB-COMMISSION RESOLUTION  
2 (XXIV) IN ACCORDANCE WITH ECONOMIC AND SOCIAL COUNCIL  
RESOLUTION 1503 (XLVIII)

DRAFT RESOLUTION SUBMITTED BY MR. J.J. CAICEDO PERDOMO,  
MR. A. CRISTESCU, MR. M. DESPOTOVIC, MR. M. GANJI, MR.  
J.O. ESHUN, MR. I.S. JIMETA, MRS. R. JOTIDILOK, MR. A.M.  
KHALIFA, MRS. K.N.E. KINYANJUI, MR. MARTINEZ BAEZ,  
MR. T.N. PACHACHI, MR. S.S. PIRZADA, MR. K. SINGH AND  
MR. S.N. SMIRNOV

THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND  
PROTECTION OF MINORITIES,

TAKING INTO ACCOUNT THE ENTRY INTO FORCE OF THE INTER-  
NATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS,

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ACTION IO-13

INFO OCT-01 AF-08 ISO-00 IOE-00 SSO-00 NSCE-00 USIE-00

INRE-00 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03

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TRSE-00 /116 W

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O R 301347Z AUG 76

FM USMISSION GENEVA

TO SECSTATE WASHDC IMMEDIATE 2128

INFO USMISSION USUN NEW YORK

AMEMBASSY MONROVIA

C O N F I D E N T I A L SECTION 2 OF 3 GENEVA 6890

E.O. 11652: GDS

TAGS: SHUM

SUBJ: 29TH SESSION SUB-COMMISSION ON PREVENTION OF DIS-  
CRIMINATION AND PROTECTION OF MINORITIES 12 AUG.-  
1 SEPT. - AGENDA ITEM 9

THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS  
AND ALSO THE OPTIONAL PROTOCOL THERETO,

MINDFUL OF ECONOMIC AND SOCIAL COUNCIL RESOLUTION  
1988 (LX) AS WELL AS THE FORTHCOMING ESTABLISHMENT OF  
THE COMMITTEE ON HUMAN RIGHTS IN ACCORDANCE WITH ARTICLE 28  
OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS,

NOTING THAT AS ENVISAGED BY ECONOMIC AND SOCIAL COUNCIL  
RESOLUTIONS 1503 (XLVIII) AND 1235 (XLII) THE PROCEDURE  
FOR CONSIDERATION OF COMMUNICATIONS REGARDING ALLEGED  
VIOLATIONS OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IS  
SUBJECT TO REVIEW IF ANY NEW ORGAN ENTITLED TO DEAL WITH  
SUCH COMMUNICATIONS SHOULD BE ESTABLISHED WITHIN THE  
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UNITED NATIONS OR BY INTERNATIONAL AGREEMENT,

BEARING IN MIND CONSTANT AND SYSTEMATIC VIOLATIONS OF  
THE RULE OF CONFIDENTIALITY AS PROVIDED FOR IN PARAGRAPH 8  
OF ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1503 (XLVIII)  
AND REITERATED IN RESOLUTION 1919 (LVIII) OF ECONOMIC  
AND SOCIAL COUNCIL WHICH IS ONE OF THE BASIC REQUIREMENTS  
OF THE PROCEDURE UNDER ECONOMIC AND SOCIAL COUNCIL  
RESOLUTION 1503 (XLVIII),

REQUESTS THE COMMISSION ON HUMAN RIGHTS TO RECOMMEND TO  
THE ECONOMIC AND SOCIAL COUNCIL TO REVIEW THE PROCEDURE  
FOR DEALING WITH COMMUNICATIONS RELATING TO VIOLATIONS  
OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS ESTABLISHED BY  
ITS RESOLUTION 1503 (XLVIII) AS PROVIDED FOR IN PARA-  
GRAPH 10 OF THAT RESOLUTION. UNQUOTE

QUOTE

COMMUNICATIONS CONCERNING HUMAN RIGHTS: REPORT OF THE WORKING GROUP ESTABLISHED UNDER SUB-COMMISSION RESOLUTION 2 (XXIV) IN ACCORDANCE WITH ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1503 (XLVIII)

DRAFT RESOLUTION SUBMITTED BY MR. A. BOUHDIBA, MR. TH.C. VAN BOVEN, MR. A. CASSESE, MR. E. NETTEL, MRS. N. QUESTIAUX

THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES,

HAVING CONSIDERED THE 1976 REPORT ON COMMUNICATIONS CONCERNING HUMAN RIGHTS SUBMITTED BY THE WORKING GROUP ESTABLISHED UNDER RESOLUTION 2 (XXIV) OF THE SUB-COMMISSION PURSUANT TO ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1503 (XLVIII) (E/CN.4/SUB.2/R.22/ADD.1-6),

1. EXPRESSES ITS APPRECIATION TO THE WORKING GROUP FOR THE VALUABLE WORK IT HAS DONE;
2. TAKES NOTE OF THE REPORT SUBMITTED TO THE SUB-COMMISSION, AS WELL AS OF THE GOVERNMENT REPLIES RELATING  
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TO THE COMMUNICATIONS MENTIONED IN (A) AND (B) OF PARAGRAPH 3 BELOW;

3. DECIDES TO BRING TO THE ATTENTION OF THE COMMISSION ON HUMAN RIGHTS THE PARTICULAR SITUATIONS DESCRIBED IN THE FOLLOWING NUMBERED COMMUNICATIONS WHICH FOR THE REASONS STATED IN THE RECORDS OF THE CLOSED MEETINGS IN WHICH THESE COMMUNICATIONS WERE CONSIDERED, MEET THE CRITERIA FOR ADMISSIBILITY SET FORTH IN RESOLUTION 1 (XXIV) AND APPEAR TO REVEAL A CONSISTENT PATTERN OF GROSS AND RELIABLY ATTESTED VIOLATIONS OF HUMAN RIGHTS REQUIRING CONSIDERATION BY THE COMMISSION, IN ACCORDANCE WITH ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1503 (XLVIII):

(A) COMMUNICATION NO. 76/94/8,496 - RELATING TO BOLIVIA

(B) " NO. 76/90/2,046 - " - EQUATORIAL GUINEA

(C) " " 75/87/54,038 - " " MALAWI

(D) " " 76/94/7,317 - " " UGANDA

(E) " " 76/94/7,324 - " " (PART RELATING TO THE REPUBLIC OF KOREA)

4. REQUESTS THE SECRETARY-GENERAL TO ADD AS OTHER  
RELEVANT INFORMATION TO THE SITUATIONS REFERRED TO THE  
COMMISSION ON HUMAN RIGHTS UNDER PARAGRAPH 3 ABOVE  
FURTHER COMMUNICATIONS RECEIVED, IN THE FORM OF THE SUMMARY  
AS APPEARING IN THE MONTHLY LISTS OF COMMUNICATIONS  
COVERING THE PERIOD FROM LIST 95 (E/CN.4/CCR.95 -  
E/CN.4/SUB.2/CCR.97) ONWARDS, RELATING TO THESE  
SITUATIONS;

5. REQUESTS THE SECRETARY-GENERAL TO INVITE THE GOVERN-  
MENTS TO WHICH THE COMMUNICATIONS IN PARAGRAPH 3 ABOVE  
REFER TO MAKE THEIR OBSERVATIONS IN TIME TO ENABLE THE  
COMMISSION TO TAKE THEM INTO ACCOUNT WHEN EXAMINING THOSE  
CASES;

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ACTION IO-13

INFO OCT-01 AF-08 ISO-00 IOE-00 SSO-00 NSCE-00 USIE-00

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AMEMBASSY MONROVIA

C O N F I D E N T I A L SECTION 3 OF 3 GENEVA 6890

E.O. 11652: GDS

TAGS: SHUM

SUBJ: 29TH SESSION SUB-COMMISSION ON PREVENTION OF DIS-  
CRIMINATION AND PROTECTION OF MINORITIES 12 AUG.-  
1 SEPT. - AGENDA ITEM 9

6. DECIDES TO CONSIDER COMMUNICATION NO. 76/94/7,324 (PART RELATING TO SRI LANKA) AT ITS THIRTIETH SESSION TOGETHER WITH ANY REPLY WHICH MAY BY THEN HAVE BEEN RECIEVED FROM THE GOVERNMENT CONCERNED, AND REQUESTS THE SECRETARY-GENERAL TO INFORM THE GOVERNMENT OF THIS DECISION;

7. DECIDES TO REFER TO THE COMMISSION ON HUMAN RIGHTS TOGETHER WITH THIS RESOLUTION THE REPORT OF THE WORKING GROUP (E/CN.4/SUB.2/R.22/ADD.1-6) AND THE RECORDS OF THE CLOSED MEETINGS IN WHICH THE SUB-COMMISSION CONSIDERED THAT REPORT AND DRAWS THE ATTENTION OF THE COMMISSION TO THE ARGUMENTS REFLECTED IN THE RECORDS OF THESE CLOSED MEETINGS, INDICATING THE REASONS FOR THE SUB-COMMISSION'S CONFIDENTIAL

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DECISIONS;

8. REQUESTS THE WORKING GROUP TO PAY PARTICULAR ATTENTION TO CASES OF TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT AND TO REPORT THEREON TO THE SUB-COMMISSION;

9. RECOMMENDS THAT THE COMMISSION ON HUMAN RIGHTS, WHEN CONSIDERING THE RELEVANT ITEM, INVITE THE CHAIRMAN-RAPPORTEUR OF THE 1976 WORKING GROUP ESTABLISHED UNDER SUB-COMMISSION RESOLUTION 2 (XXIV) PURSUANT TO ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1503 (XLVIII) SO THAT HE MAY GIVE FURTHER EXPLANATIONS REGARDING THE CONSIDERATIONS OF THE SUB-COMMISSION AND ITS WORKING GROUP RELATING TO THE SITUATIONS BROUGHT TO THE ATTENTION OF THE COMMISSION ON HUMAN RIGHTS;

10. INVITES THE COMMISSION ON HUMAN RIGHTS TO BRING AGAIN TO THE ATTENTION OF THE SUB-COMMISSION THE RECORDS OF THE CLOSED MEETINGS IN WHICH THE COMMISSION HAS CONSIDERED THE SITUATIONS REFERRED TO IT UNDER PARAGRAPH 5 OF ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1503 (XLVIII), TOGETHER WITH ANY REPORT EMANATING FROM AN AD HOC BODY ESTABLISHED BY THE COMMISSION TO EXAMINE SUCH SITUATIONS, AS WELL AS THE WRITTEN OBSERVATIONS WHICH MAY HAVE BEEN RECEIVED THEREON FROM THE GOVERNMENT DIRECTLY CONCERNED;

11. RESOLVES THAT IN CONSIDERING COMMUNICATIONS PURSUANT TO PARAGRAPHS 1 AND 5 OF ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1503 (XLVIII), DUE REGARD WILL BE GIVEN TO ANY PARTICULAR SITUATIONS, ALREADY REFERRED TO THE COMMISSION ON HUMAN RIGHTS, WHICH ARE STILL UNDER EXAMINATION BY THE COMMISSION, WITH A VIEW TO PROVIDING THE COMMISSION WITH

RELEVANT ADDITIONAL INFORMATION RELATING TO SUCH  
SITUATIONS. UNQUOTE.CATTO

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## Message Attributes

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AGENDA ITEM 9  
**TAGS:** SHUM  
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